

Appl. No. 10/035,567
Resp. dated Oct. 3, 2005
In Reply to Office Action of May 3, 2005

REMARKS

Claims 1-28 are pending in the present application. Claim 3 and 4 stand objected to. Claims 1-3 and 5-28 stand rejected.

I. CHANGE OF ADDRESS

Applicant respectfully notes that the Office Action OF May 3, 2005 ("the Office Action") was sent to the incorrect correspondence address (i.e., to Kevin J. Zimmer of Cooley Godward LLP).

Applicant respectfully draws the attention of the Examiner to the letter dated September 9, 2004 and entitled "Power of Attorney By Assignee of Entire Interest, Revocation Of Prior Powers And Change of Correspondence Address". According to our return-receipt postcard, the letter was received by the U.S. Patent and Trademark Office on September 13, 2004. In addition to revocation of all previous powers of attorney, the letter states, in the "Change of Correspondence Address" section, that correspondence should be directed to:

**Christopher C. Winslade
McAndrews, Held & Malloy
500 W. Madison Street
Suite 3400
Chicago, IL 60661**

Applicant respectfully requests that future correspondence be sent to Christopher C. Winslade of McAndrews, Held & Malloy.

II. CLAIM OBJECTION

Claim 3 stands objected to for informalities noted by the Examiner. Applicant has amended claim 3 to overcome the noted informalities. It is therefore respectfully requested that

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the objection be withdrawn with respect to claim 3.

III. OBVIOUSNESS REJECTION OF CLAIMS 1-3, 5, 6, 11 AND 19-21

Claims 1-3, 5, 6, 11 and 19-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over United States Patent No. 5,867,525 ("Giallorenzi") in view of United States Patent No. 6,141,372 ("Chalmers"). Applicant respectfully traverse the rejection as set forth below.

Claims 1-3, 5, 6 and 11

Giallorenzi and Chalmers, combined or individually, do not teach each and every element as set forth in claim 1. For example, claim 1 recites, "identifying the maximum of the first averaged sample sum, the second averaged sample sum, and the third averaged sample sum; and generating an output symbol corresponding to the identified maximum".

However, Giallorenzi does not teach at least these elements as set forth in claim 1. The Abstract of Giallorenzi states "[t]he outputs of the three despreaders are digitally combined (e.g., compared), or compared, to produce the offset estimate for that user". However, Giallorenzi does not teach identifying a maximum of the first averaged sample sum, the second averaged sample sum, and the third averaged sample sum. Instead, Giallorenzi teaches that the output of the late despreaders 61 is subtracted from the output of the early despreaders 44. The values E-L and O (derived from an output of the on-time despreaders 57 -- incorrectly referenced as 55 in FIG. 2 of Giallorenzi) are then used by the processor 70 which computes an offset as illustrated in FIG. 3. The offset as a fraction of chip is calculated as $(E-L)/(2*O + |E-L|)$. Thus, Giallorenzi does not teach identifying the maximum of averaged sample sums and generating an output symbol corresponding to the identified maximum as set forth in claim 1, but instead uses only two quantities (E-L) and O in determining the offset as a fraction of chip. Furthermore, since Giallorenzi teaches using (E-L) and O in determining an offset as a fraction of chip, an output symbol corresponding to the identified maximum is not being generated. It is respectfully submitted that to modify Giallorenzi to operate as set forth in view of at least the above recited elements of claim 1 would change the principle of operation of Giallorenzi which is prohibited